

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: Chair Walter McNutt, on March 18, 2011 at 9:08 AM, in Room 102
Capitol

ROLL CALL

Members Present:

Rep. Walter McNutt, Chairman (R)
Rep. Bill Beck, Vice Chairman (R)
Rep. Cynthia Hiner, Vice Chairman (D)
Rep. Duane Ankney (R)
Rep. Tony Belcourt (D)
Rep. Tom Burnett (R)
Rep. Rob Cook (R)
Rep. Mike Cuffe (R)
Rep. Champ Edmunds (R)
Rep. Ron Ehli (R)
Rep. John Esp (R)
Rep. Steve Gibson (R)
Rep. Roy Hollandsworth (R)
Rep. Galen Hollenbaugh (D)
Rep. Bill McChesney (D)
Rep. Robert (Bob) Mehlhoff (D)
Rep. Trudi Schmidt (D)

Members Excused: Rep. Randy Brodehl (R)
Rep. Ryan Osmundson (R)
Rep. Don Roberts (R)
Rep. Jon C. Sesso (D)

Members Absent: None

Staff Present: Antoine Brockman, Committee Secretary
Jaret Coles, Legislative Branch
Jon Moe, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 612, 3/15/2011; HB 613, 3/15/2011; HJ 23 3/15/2011
Executive Action: HB 83; HB 159; HB 163; HB 165; HB 183; HB 184; HB 357; HB 358; HB 445; HB 447; HB 551; HB 363

HEARING ON HB 612**Opening Statement by Sponsor:**

00:01:51 Rep. Esp on behalf of Rep. Don Roberts (R), HD 56, opened the hearing on HB 612, Generally revise state healthcare laws to implement House Bill No. 2.

00:08:10 Rep. Brodehl entered the room.

Proponents' Testimony: None

Opponents' Testimony:

00:09:24 Jane Smilie, Department of Health and Human Services (DPHHS)

EXHIBIT(aph61a01)

00:14:30 Jesse Laslovich, Chief Legal Counsel, Office of the Commissioner of Securities and Insurance (SAO)

00:18:14 Rep. Ankney and Rep. Gibson left the room.

00:18:54 Clare Lemke, Self

EXHIBIT(aph61a02)**EXHIBIT(aph61a03)**

00:19:59 Rep. Ankney entered the room.

00:25:20 Rick Gale, Gallatin County Tobacco Use Prevention Program, Tobacco Free Gallatin

00:27:33 Jim Ahrens, American Cancer Society (ACS) and The Alliance for Healthy Montana

00:29:24 Steve Yeakel, Montana Council for Maternal and Child Health

00:30:41 Ann Brodsky, Chief Legal Counsel, Governor's Office

00:33:43 Rep. Gibson entered the room.

Informational Testimony: None

Questions from Committee Members and Responses:

00:35:08 Rep. Cook

00:35:38 Ms. Smilie, DPHHS

00:35:49 Rep. Cook

00:36:02 Ms. Smilie, DPHHS

00:36:19 Rep. Cook

00:36:25 Ms. Smilie, DPHHS

00:36:42 Rep. Cook

00:36:52 Ms. Smilie, DPHHS

00:37:03 Rep. Cook

00:37:22 Ms. Smilie, DPHHS

00:37:33 Rep. Gibson

00:37:51 Ms. Smilie, DPHHS

00:38:37 Rep. Gibson

00:38:54 Ms. Smilie, DPHHS

00:39:00 Rep. Gibson
00:39:09 Ms. Smilie, DPHHS
00:39:30 Rep. Schmidt
00:40:36 Ms. Smilie, DPHHS
00:41:20 Rep. Schmidt
00:41:47 Ms. Smilie, DPHHS
00:42:12 Rep. Edmunds
00:42:57 Mr. Laslovich, SAO
00:44:42 Rep. Edmunds
00:44:33 Mr. Laslovich, SAO
00:44:54 Rep. Gibson left the room
00:45:04 Rep. Esp
00:45:10 Rep. Edmunds
00:45:26 Rep. Esp
00:45:34 Rep. Belcourt
00:46:08 Rep. Esp
00:47:48 Rep. Belcourt
00:48:05 Rep. Edmunds left the room.
00:48:30 Rep. Esp
00:49:42 Rep. Schmidt
00:49:48 Terry Krantz, Administrator, Health Resources Division, DPHHS
00:51:26 Rep. Cook
00:51:31 Mr. Krantz, DPHHS
00:51:50 Rep. Cook
00:52:03 Mr. Krantz, DPHHS
00:52:55 Rep. Cook
00:53:12 Mr. Krantz, DPHHS
00:53:22 Rep. Schmidt
00:53:58 Mr. Krantz, DPHHS
00:54:49 Rep. Ankney
00:55:14 Ms. Smilie, DPHHS
00:55:52 Rep. Burnett

EXHIBIT(aph61a04)

Closing by Sponsor:

00:57:14 Rep. Esp

00:58:00 Rep. Gibson and Rep. Edmunds entered the room.

HEARING ON HB 613

Opening Statement by Sponsor:

01:02:59 Rep. Esp on be behalf of Rep. Don Roberts (R), HD 56, opened the hearing on HB 613, Generally revise elements of the budget process to implement House Bill No. 2.

Proponents' Testimony:

01:04:58 Steve Yeakel, Montana Advocates for Children
01:06:12 Steve Gettel, Superintendent, Montana School for the Deaf and Blind (MSDB)

Opponents' Testimony:

01:09:07 Ann Brodsky, Chief Legal Counsel, Governor's Office
01:09:59 Rep. Edmunds left the room.
01:11:35 Sandra Olsen, Administrator, Remediation Division, Department of
Environmental Quality (DEQ)
01:17:31 Terry Wadsworth, Executive Director, Petroleum Tank Release Compensation
Board, DEQ

Informational Testimony: None**Questions from Committee Members and Responses:**

01:20:07 Rep. Mehlhoff
01:20:53 Ms. Brodsky, Governor's Office
01:21:12 Rep. Mehlhoff
01:22:21 Ms. Brodsky, Governor's Office
01:23:35 Rep. Gibson
01:24:01 Ms. Olsen, DEQ
01:24:40 Rep. Gibson
01:25:06 Ms. Olsen, DEQ
01:25:59 Rep. Gibson
01:26:14 Ms. Olsen, DEQ
01:26:48 Rep. Edmunds entered the room.
01:27:28 Rep. Burnett
01:27:58 Mr. Wadsworth, Petroleum Tank Release Compensation Board, DEQ
01:28:12 Rep. Burnett
01:28:50 Michael Trombetta, Bureau Chief, Hazardous Waste Site Cleanup Bureau, DEQ
01:30:03 Rep. Cook
01:30:11 Mr. Wadsworth, Petroleum Tank Release Compensation Board, DEQ

Closing by Sponsor:

01:30:57 Rep. Esp

HEARING ON HB 619**Opening Statement by Sponsor:**

01:32:34 Rep. Duane Ankney (R), HD 43, opened the hearing on HB 619, Generally
revise FWP laws to implement HB2.

Proponents' Testimony: None**Opponents' Testimony:**

01:36:21 Ann Brodsky, Chief Legal Counsel, Governor's Office
01:37:19 Ken McDonald, Wildlife Bureau Chief, Montana Fish, Wildlife, and Parks (FWP)

Informational Testimony: None**Questions from Committee Members and Responses:** None

Closing by Sponsor:

01:42:45 Rep. Ankney

HEARING ON HJ 23**Opening Statement by Sponsor:**

01:44:40 Rep. Roy Hollandsworth (R), HD 28, opened the hearing on HJ 23, Interim study of agriculture crop lien laws and policies.

Proponents' Testimony:

01:47:54 Steve Turkiewitz, Montana Bankers Association

01:49:01 Steve Yeakel, Montana Independent Bankers Association

01:49:31 Krista Lee Evans, Montana Agricultural Business Association

Opponents' Testimony: None**Informational Testimony:** None**Questions from Committee Members and Responses:**

01:51:39 Rep. Edmunds

01:52:03 Rep. Hollandsworth

01:54:19 Rep. Esp

01:54:25 Rep. Hollandsworth

01:54:42 Rep. Burnett

01:55:05 Rep. Hollandsworth

Closing by Sponsor:

01:55:37 Rep. Hollandsworth

01:56:47 Recess

01:56:53 Resume - Rep. Schmidt, Rep. McChesney, Rep. Edmunds, Rep. Osmundson and Rep. Roberts were not present.

EXECUTIVE ACTION ON HB 8301:57:17 **Motion:** Rep. Esp moved that **HB 83 DO PASS**.01:57:51 **Motion/Vote:** Rep. Esp moved that **HB 83 BE AMENDED**. Motion carried unanimously by voice vote. Rep. Edmunds, Rep. McChesney, Rep. Osmundson, Rep. Roberts and Rep. Schmidt voted by proxy.**EXHIBIT(aph61a05)**01:59:31 **Motion/Vote:** Rep. Esp moved that **HB 83 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Rep. Edmunds, Rep. McChesney, Rep. Osmundson, Rep. Roberts and Rep. Schmidt voted by proxy.

EXECUTIVE ACTION ON HB 159

02:00:52 **Motion/Vote:** Rep. Esp moved that **HB 159 DO PASS**. Motion carried 19-2 by voice vote with Rep. Hollenbaugh and Rep. Schmidt voting no. Rep. Edmunds, Rep. McChesney, Rep. Osmundson, Rep. Roberts and Rep. Schmidt voted by proxy.

EXECUTIVE ACTION ON HB 163

02:02:06 **Motion:** Rep. Esp moved that **HB 163 DO PASS**.

Discussion:

02:02:27 Rep. Mehlhoff
02:02:38 Rep. Hollandsworth
02:02:56 Rep. Hollenbaugh
02:03:26 Rep. Hollandsworth
02:03:56 Rep. Hollenbaugh
02:04:27 Rep. Hollandsworth
02:05:06 Rep. Mehlhoff
02:05:27 Rep. Hollandsworth

02:05:45 **Vote:** Motion carried 14-7 by roll call vote with Rep. Belcourt, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting no. Rep. Edmunds, Rep. McChesney, Rep. Osmundson, Rep. Roberts and Rep. Schmidt voted by proxy.

EXECUTIVE ACTION ON HB 165

02:07:35 **Motion:** Rep. Hollandsworth moved that **HB 165 DO PASS**.

Discussion:

02:07:52 Rep. Hollandsworth
02:08:21 Rep. Hollenbaugh
02:09:28 Rep. Hollandsworth
02:09:42 Rep. Hollenbaugh
02:09:48 Rep. Cook
02:10:12 Rep. Sesso
02:10:46 Rep. Hollandsworth
02:11:23 Rep. Sesso
02:11:37 Rep. Hollandsworth
02:11:45 Rep. Sesso
02:12:41 Rep. Hollandsworth
02:12:59 Rep. Sesso
02:13:14 Rep. Hollandsworth
02:13:44 Rep. Sesso
02:13:45 Rep. Beck left the room.
02:14:06 Rep. Hollandsworth

02:14:39 **Vote:** Motion carried 15-6 by roll call vote with Rep. Belcourt, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Schmidt and Rep. Sesso voting no. Rep. Beck, Rep. Edmunds, Rep. McChesney, Rep. Osmundson, Rep. Roberts and Rep. Schmidt voted by proxy.

EXECUTIVE ACTION ON HB 183

02:16:31 **Motion:** Rep. Esp moved that **HB 183 DO PASS.**

02:17:22 **Motion/Vote:** Rep. Esp moved that **HB 183 BE AMENDED.** Motion carried unanimously by voice vote. Rep. Beck, Rep. Edmunds, Rep. McChesney, Rep. Osmundson, Rep. Roberts and Rep. Schmidt voted by proxy.

EXHIBIT(aph61a06)

02:18:40 **Motion/Vote:** Rep. Esp moved that **HB 183 BE AMENDED.** Motion carried unanimously by voice vote. Rep. Beck, Rep. Edmunds, Rep. McChesney, Rep. Osmundson, Rep. Roberts and Rep. Schmidt voted by proxy.

EXHIBIT(aph61a07)

02:20:00 **Motion:** Rep. Esp moved that **HB 183 DO PASS AS AMENDED.**

Discussion:

02:20:19 Rep. Sesso
02:21:12 Rep. Esp
02:21:50 Rep. Sesso
02:23:01 Rep. Mehlhoff

02:24:36 **Vote:** Motion carried 14-7 by roll call vote with Rep. Belcourt, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting no. Rep. Beck, Rep. Edmunds, Rep. McChesney, Rep. Osmundson, Rep. Roberts and Rep. Schmidt voted by proxy.

EXECUTIVE ACTION ON HB 184

02:26:29 **Motion:** Rep. Esp moved that **HB 184 DO PASS.**

02:26:50 **Motion/Vote:** Rep. Esp moved that **HB 184 BE AMENDED.** Motion carried unanimously by voice vote. Rep. Beck, Rep. Edmunds, Rep. McChesney, Rep. Osmundson, Rep. Roberts and Rep. Schmidt voted by proxy.

EXHIBIT(aph61a08)

02:28:18 **Motion:** Rep. Esp moved that **HB 184 DO PASS AS AMENDED.**

Discussion:

02:28:58 Jon Moe, Legislative Fiscal Division, (LFD)
02:29:39 Rep. Esp
02:29:41 Rep. Mehlhoff

2:31:10 **Vote:** Motion carried 14-7 by roll call vote with Rep. Belcourt, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting no. Rep. Beck, Rep. Edmunds, Rep. McChesney, Rep. Osmundson, Rep. Roberts and Rep. Schmidt voted by proxy.

EXECUTIVE ACTION ON HB 357

02:32:47 **Motion/Vote:** Rep. Esp moved that **HB 357 DO PASS**. Motion carried 14-7 by roll call vote with Rep. Belcourt, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting no. Rep. Beck, Rep. Edmunds, Rep. McChesney, Rep. Osmundson, Rep. Roberts and Rep. Schmidt voted by proxy.

EXECUTIVE ACTION ON HB 358

02:35:25 **Motion:** Rep. Esp moved that **HB 358 DO PASS**.

Discussion:

02:35:51 Rep. Mehlhoff

02:36:29 Rep. Esp

02:36:43 **Vote:** Motion carried 19-2 by voice vote with Rep. Belcourt and Rep. Mehlhoff voting no. Rep. Beck, Rep. Edmunds, Rep. McChesney, Rep. Osmundson, Rep. Roberts and Rep. Schmidt voted by proxy.

EXECUTIVE ACTION ON HB 445

02:38:11 **Motion:** Rep. Esp moved that **HB 445 DO PASS**.

Discussion:

02:39:36 Rep Sesso

02:40:22 Rep. Ankney

02:41:10 **Vote:** Motion carried 13-8 by roll call vote with Rep. Belcourt, Rep. Gibson, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting no. Rep. Beck, Rep. Edmunds, Rep. McChesney, Rep. Osmundson, Rep. Roberts and Rep. Schmidt voted by proxy.

EXECUTIVE ACTION ON HB 551

02:42:52 **Motion/Vote:** Rep. Sesso moved that **HB 551 DO PASS**. Motion carried unanimously by voice vote. Rep. Beck, Rep. Edmunds, Rep. McChesney, Rep. Osmundson, Rep. Roberts and Rep. Schmidt voted by proxy.

EXECUTIVE ACTION ON HB 477

02:44:08 **Motion:** Rep. Hollandsworth moved that **HB 447 DO PASS.**

02:44:14 **Motion:** Rep. Hollandsworth moved motion that **HB 477 BE AMENDED.**
EXHIBIT(aph61a09)

Discussion:

02:44:58 Jaret Coles, Legislative Services Division, (LSD)

02:46:51 Rep. Sesso

02:47:00 Rep. Edmunds entered the room.

02:47:10 Jaret Coles, LSD

02:47:24 **Vote:** Motion carried 20-1 by voice vote with Rep. Edmunds voting no. Rep. Beck, Rep. McChesney, Rep. Osmundson, Rep. Roberts and Rep. Schmidt voted by proxy.

02:48:18 **Motion:** Rep. Hollandsworth moved that **HB 477 DO PASS AS AMENDED.**

Discussion:

02:48:20 Rep. Hollenbaugh

02:48:26 Rep. Hollandsworth

02:48:53 Jaret Coles, LSD

02:49:18 Rep. Hollandsworth

02:49:37 Rep. Hollenbaugh

02:50:07 Jaret Coles, LSD

02:50:31 Rep. Hollandsworth

02:51:39 Jon Moe, LFD

02:52:27 **Vote:** Motion carried 14-7 by roll call vote with Rep. Belcourt, Rep. Edmunds, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Schmidt and Rep. Sesso voting no. Rep. Beck, Rep. McChesney, Rep. Osmundson, Rep. Roberts and Rep. Schmidt voted by proxy.

EXECUTIVE ACTION ON HB 363

02:54:57 **Motion/Vote:** Rep. Cuffe moved that **HB 363 DO PASS.** Motion carried 20-1 by voice vote with Rep. Schmidt voting no. Rep. Beck, Rep. McChesney, Rep. Osmundson, Rep. Roberts and Rep. Schmidt voted by proxy.

02:56:00 Rep. McNutt

ADJOURNMENT

02:56:27 Adjournment

Cara Gold for Antoine Brockman, Secretary

cg/ab

Additional Exhibits:

[EXHIBIT\(aph61a10\)](#)

Additional Documents:

EXHIBIT([aph61aad.pdf](#))